

**Policy 4132: Publication Or Creation Of Materials**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Governing Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

<b>State References</b>	<b>Description</b>
Ed. Code 32360	Copyrights; use of funds
Ed. Code 32361	Copyrights; use of employee work time
Ed. Code 35170	Authority to secure copyrights
Ed. Code 35182	Marketing or licensing noneducational mainframe electronic data-processing software
Ed. Code 60076	Royalties or other compensation
Lab. Code 2870-2872	Inventions made by an employee

**Federal References**

<b>Federal References</b>	<b>Description</b>
17 USC 101-122	Subject matter and scope of copyright
17 USC 201	Copyright ownership and transfer

**Management Resources References**

<b>Management Resources References</b>	<b>Description</b>
Court Decision	Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	Copyright Clearance Center - <a href="https://simbli.eboardsolutions.com/SU/1yyGI5lg9KRqfldQZP3yAA==">https://simbli.eboardsolutions.com/SU/1yyGI5lg9KRqfldQZP3yAA==</a>
Website	Copyright Society of the USA - <a href="https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==">https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==</a>

Website U.S. Copyright Office -  
<https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==>

## Cross References

## Description

1113-E(1) District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/oJaE6pBfeb1TIUhdIbjlHA==>

1113 District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

1113 District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==>

1113-E PDF(1) District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==>

1114 District-Sponsored Social Media -  
<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvFeyCOp9Cgiw==>

1114 District-Sponsored Social Media -  
<https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==>

3312 Contracts -  
<https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==>

3600 Consultants -  
<https://simbli.eboardsolutions.com/SU/19Y2YhOrjiSGxS8QOUWGnA==>

4040 Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/pCyVFWHxjPMeQ9hSFguPfw==>

4040-E PDF(1) Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==>

4119.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/ikYi9iffEslshg1YvCnslshHa9FA==>

4119.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==>

4119.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/mGplusvfvwZSZeWEomplumBplusTJTg==>

4219.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/slsh8r36Gnv1Paz0NslshaPHNpw==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrw==>

4219.21-E PDF(1) Professional Standards - Code Of Ethics Classified Employees -  
<https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNsbsWF3lvpkIQ==>

4319.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/8xFJs6TEekZrMrbTNzmuslshw==>

4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==>

4319.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLIsMRyQ==>

6161.11 Supplementary Instructional Materials -  
<https://simbli.eboardsolutions.com/SU/kWJW4zRME1hY1pHypTRx0g==>

6162.6 Use Of Copyrighted Materials -  
<https://simbli.eboardsolutions.com/SU/3taLrSkI4GgyZmdSbiW6lw==>

6162.6 Use Of Copyrighted Materials -  
<https://simbli.eboardsolutions.com/SU/UlrD8rtCbBXH4slshn2kgoeAw==>

6163.1 Library Media Centers -  
<https://simbli.eboardsolutions.com/SU/lwXB8c8GOCzKnQd9nEugsg==>